

RICHMOND NEWS LEADER (VA)
19 May 1983

Key testimony on Lawler death expected in trial

By Jim Mason
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Two weeks ago, lawyers defending 17-year-old John Robert Ballard called Carl G. Simons, 26, to the witness stand for questioning about the beating death of former Richmond City Councilman J. Edward Lawler.

Simons declined to testify. He told jurors he was taking his Fifth Amendment right on the advice of his lawyer.

Today, he went on trial in the South Richmond courtroom of Circuit Judge William E. Spain and, from all pretrial maneuvering, he will offer some crucial testimony in his defense against a first-degree murder charge in the killing of Lawler.

Pleaded innocent

As his trial began, Simons, who is from Powhatan County, pleaded innocent to the murder charge and to charges of robbery and breaking and entering Lawler's home at 5011 Riverside Drive the night of Dec. 30.

Lawler, 74, was beaten repeatedly with bolt-cutters and robbed, and his body was found the next day in his kitchen, according to testimony in Ballard's trial.

After making his pleas, Simons tried to stop his trial from proceeding. He told Spain a witness he wanted was not available to testify. However, Simons' lawyers told the judge they had learned of the potential witness three days ago and decided not to call the person.

After questioning Simons further, Spain refused to delay the trial and screening of the first of 68 prospective jurors began. Jury selection was expected to take at least three hours.

In a related development, Ballard, convicted of first-degree murder in Lawler's killing, was brought to the courthouse. This indicated that the prosecution intends to call him as a witness.

The teen-ager, who faces sentencing June 16, testified that he acted in December in duress and fear of Simons. Ballard also said Simons kept telling him to hit Lawler again and again with the bolt-cutters.

In contrast, another co-defendant, Timothy N. Dickenson, 20, testified it appeared to him that Ballard acted on his own. However, Dickenson acknowledged that it was Simons who was "calling the shots" the night of Lawler's killing. Simons probably will offer testimony along the lines of Dickenson's, Simons' testimony in a pretrial hearing has indicated.

Dickenson, of the 200 block Jefferson Village Drive, and Juanita Ballard, 18, of the 400 block LaSalle Ave., also entered the courthouse today, about an hour after deputy sheriffs escorted Simons inside.

The jury in Simons' trial will have to decide whom to believe in weighing the conflicts in the expected testimony.

Testimony in the pretrial hearing also has pointed to the credibility of a state police informer pitted against that of Simons.

The informer, William T. Kirby, has told of Simons boasting to him as early as Jan. 3 of having killed Lawler. Kirby also secretly recorded Simons bragging about being the killer, according to the pretrial testimony.

Simons denied in the hearing that he killed Lawler or told Kirby he did the killing. He also disavowed the earlier accounts attributed to him when questioned by Detective James S. Gaudet Jan. 11.

Shots said given

Simons also said Kirby gave him shots of amphetamine and heroin before getting him to talk about Lawler's killing. Kirby testified he did not give Simons any drugs.

Arguing that use of the taped conversation was proper, Assistant Commonwealth's Attorney Warren Von Schuch said the statements by Simons contained "elements of truth."

Spain ruled Monday that a transcript of the taped conversation could be used as evidence in the prosecution's case.

Two days have been set aside for Simons' trial.

Trial dates for Miss Ballard and Dickenson are to be set June 13.